

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States, *et al.*,

Defendants.

Civil Action No. 1:25-cv-11221-WGY

**JOINT NOTICE AND MOTION TO AMEND CASE SCHEDULE**

In accordance with the Court's June 18, 2025 order, *see* ECF No. 157, on July 2, 2025, Defendants filed an administrative record with the Court. ECF No. 161. The next day, the Court entered its Memorandum and Order granting in part and denying in part Defendants' motion to dismiss. ECF No. 162.

Counsel for Defendants and counsel for Plaintiffs and Intervenor have conferred in an effort to resolve administrative record disputes without the need for motion practice before the Court. Those discussions have been beneficial and remain ongoing. To help facilitate resolution of administrative record disputes without the Court's involvement and aid the parties and the Court in presenting this case for hearing on the merits, the parties propose amending the case schedule. The parties' proposed amended case schedule would not alter the September 4, 2025, hearing date set by the Court. The parties respectfully move the Court to amend the case schedule as follows:

- **July 11, 2025:** Deadline for Defendants to file additional administrative record materials.
- **July 18, 2025:** Deadline for Plaintiffs and Intervenor to file any motions to supplement or complete the record.<sup>1</sup>
- **July 31, 2025:** Deadline for Defendants to file an Answer.
- **August 8, 2025:** The parties will file cross-motions for summary judgment. Plaintiffs and Intervenor shall be limited to no more than 30 pages each and Defendants shall be limited to no more than 40 pages.
- **August 22, 2025:** The parties will file response briefs in opposition to the opposing party's motion. Plaintiffs and Intervenor shall be limited to no more than 15 pages each and Defendants shall be limited to no more than 20 pages.

In light of the Court's Orders collapsing preliminary injunction motions with a trial on the merits, ECF No. 137, and dismissing Plaintiffs' and Intervenor's non-Administrative Procedure Act claims, ECF No. 162, and given Defendants' filing of the administrative record, the parties further request that the Court waive the Local Rule 56.1 requirement for a separate statement of material facts to accompanying summary judgment motions.

Respectfully submitted this 9th day of July 2025.

**ADAM R. F. GUSTAFSON**

Acting Assistant Attorney General  
U.S. Department of Justice  
Environment & Natural Resources Division

/s/ Michael K. Robertson

MICHAEL K. ROBERTSON  
Trial Attorney (DC Bar No. 1017183)

---

<sup>1</sup> While the parties are hopeful that they can avoid administrative record motion practice, in the event such a motion is filed, the parties will confer regarding any need for a new amended case schedule.

U.S. Department of Justice  
Environment & Natural Resources Division  
Natural Resources Section  
4 Constitution Square  
150 M Street NE  
Washington, DC 20002  
Tel: (202)-305-9609  
Email: Michael.Robertson@usdoj.gov

PHILLIP R. DUPRÉ  
Senior Attorney (TX Bar No. 24069650)  
U.S. Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section  
4 Constitution Square  
150 M Street NE  
Washington, DC 20002  
Tel: (202) 598-9530  
Email: Phillip.R.Dupre@usdoj.gov

ROBERT P. WILLIAMS  
Senior Trial Attorney (DC Bar No. 474730)  
U.S. Department of Justice  
Environment & Natural Resources Division  
Wildlife & Marine Resources Section  
Ben Franklin Station, P.O. Box 7611  
Washington, D.C. 20044  
Tel: (202) 305-0210 | Fax: (202) 305-0275  
Email: robert.p.williams@usdoj.gov

KIERAN O'NEIL  
Trial Attorney (AK Bar No. 2311132)  
U.S. Department of Justice  
Environment & Natural Resources Division  
Wildlife & Marine Resources Section  
Tel: (202) 353-7548  
Email: kieran.o'neil@usdoj.gov

*Attorneys for Federal Defendants<sup>2</sup>*

---

<sup>2</sup> Counsel for Plaintiffs and Intervenor have authorized Defendants' filing of this motion on their behalf.